

REMARKS

This Request for Reconsideration is offered in response to the Office Action of June 4, 2004.

At the outset, the Applicant respectfully requests confirmation of the claim of priority made in the Preliminary Amendment of June 28, 2002. It is respectfully submitted that this claim complies with Rule 78 in that it was made within sixteen months of the filing date of the prior filed application (application serial no. 09/969,736, filed on October 3, 2001).

The Office Action rejected Claims 1-4, 6 and 7 under 35 U.S.C. §103(a) as being obvious over the Vandenneuvel reference (U.S. Patent No. 6,481,890) in view of the Athans reference (U.S. Patent No. 6,378,177). Similarly, the Office Action rejected Claim 5 over the Vandenneuvel reference in view of the Athans reference and further in view of the Giblin reference (U.S. Patent No. 6,524,130).

It is respectfully but strenuously submitted that the these rejections are based upon an erroneous reading of the drawings of the Vandenneuvel reference. Firstly, elements 312 and 314 are clearly not flanges but rather are “first and second side panel[s] 312, 314” (col. 10, line 6). In other words, these elements are bag walls, not flanges. Secondly, there is no disclosure of a second flange with a free end and a bend in the Vandenneuvel reference. Rather, Figure 6 shows a fragmentary-like diagonal separation to indicate that the bag walls may be longer than is shown in the drawing. Hence, the Vandenneuvel reference merely discloses two interlocking profiles with there respective flanges sealed to bag walls and a peel seal between the flanges. Neither the Athans reference nor the Giblin reference does anything to remedy the deficiencies of the Vandenneuvel reference in this regard.

It is respectfully submitted that the rejections under 35 U.S.C. §103(a) are overcome.

In view of the above, each of the claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", with a stylized flourish extending from the end.

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